ITEM NO.4 Virtual Court 1 SECTION XI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application No(s). 1095-1097/2020
in C.A. No. 5411/2017, C.A. No. 8789/2015 & C.A. No. 3674/2015

K.S. VARGHESE & ORS. Petitioner(s)

VERSUS

ST PETER'S AND PAUL'S SYRIAN ORTHODOX CHURCH & ORS. Respondent(s)

(FOR ADMISSION and IA No.54041/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.54038/2020-CLARIFICATION/DIRECTION)

Date : 19-06-2020 These petitions were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s) Mr. Pinaki Misra, Senior Advocate
Mr. Adolf Mathew, Adv.
Mr. Sanjay Jain, AOR

For Respondent(s) Mr. P.J. Philip, Adv.
Ms. Anupama Sharma Adv.
Mr. Vishnu Sharma AOR

UPON hearing the counsel the Court made the following

O R D E R

Heard learned senior counsel for the applicant(s).

The following prayers have been made in the application:-

"a) Clarify that the State of Kerala, Respondents herein/similarly situated members and leaders of the Orthodox faction has to implement the findings of K.S. Varghese case at Para 183 Sub Para VII, XII, XVI, XVII, XXII, and XXVIII, reported in 2017-15-SCC-333.

b) Clarify that, all the parties concerned shall not have any right to take any coercive steps or evict any parish members from their parish churches under

the pretext of execution proceedings or due to his continuous faith in the Patriarch of Antioch as his spiritual head.

c) Clarify that, all the concerned parties are bound to take appropriate steps for an amicable settlement, by way of a mediation, in tune with the earlier settlements arrived by the other individual churches, 66 by way of separation of the factions/members with respect to the number of members/strength of each faction in each parish churches, in the interest of justice,

d) Clarify that the spiritual supreme head of the Malankara church is the present Patriarch of Antioch as per the clause 1 (one) of the 1934 constitution and as per the verdict of K.S. Varghese case in Para 133 and 140 reported in 2017-15 (SCC) 333 and clarify that, all members of the Malankara church, shall not have any right to denounce, repudiate or dispute the traditionally elected Patriarch of Antioch who is the spiritual head of the Universal Orthodox church.

e) Clarify that the illegal insertions/Manipulations made in the 1934 constitution which are not seen in the original manuscript and the first print of the 1934 pamphlet constitution, are null and void.

f) Clarify that, the state government has to allow the parish members to conduct burial services and its memorial services in their respective parish 67 churches and its cemeteries according to the will and wish of deceased person.

g) This Hon'ble court may be pleased to provide a clarification scheme for the redressal of the genuine grievances of lakhs of parish members who were evicted from their parish churches since they continue to believe in the spiritual supremacy of

the Patriarch of Antioch.

h) Clarify that, all the parties concerned will have to conduct a referendum, on the basis of the original 1934 constitution, in the individual parish churches for the Selection of the Administrative hierarchy sacramental and liturgical leadership of the individual parish churches according to their faith and tradition since the orthodox faction is using illegally altered/fabricated version of the 1934 constitution which is deviated from the basic faith, tradition and discipline underlined in the original 1934 constitution and the fabricated constitution is used as an instrument for the eviction of the parish members from their mother churches due to their continuing faith in the spiritual supremacy and the 68 ecclesiastical continuity of the Patriarch of Antioch in the community.

i) Any other clarification/order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case may also be passed in favour of the applicants/petitioners/Appellants."

It is clearly an effort for violating the order passed by this Court and no such prayer(s) can be entertained, in view of the judgment dated 03.07.2017 passed by this Court in K.S. Verghese & Ors. v. St. Peter's Paul's Syrian Orth. & Ors.

Consequently, these applications have been misconceived and devoid of merits and are hereby dismissed with costs of Rs.25,000/- (Rupees Twenty Five Thousand), to be deposited with the Supreme Court Employees Mutual Welfare fund, within a period of six weeks from today.

(NARENDRA PRASAD)
A.R-CUM-P.S.

(JAGDISH CHANDER)
ASSISTANT REGISTRAR